CENTRAL FAX GENTER

APR 2 4 2012

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OFFICE OF PETITIONS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application

U.S. Pat. No. 6,541,008

Inventor(s):

Lyn M. Wise 09/431,888

Appl. No.: Patent No.:

6,541,008 9374

Confirm. No.: Issued:

April 1, 2003

Title: VASCULAR ENDOTHELIAL GROWTH FACTOR-

LIKE PROTEIN FROM ORF VIRUSES BINDS AND

ACTIVATES MAMMALIAN VEGF RECEPTOR-2 AND USES THEREOF

Customer No.: 66936

RENEWED PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Commissioner:

This Renewed Petition is being submitted in response to a letter mailed March 26, 2012 in the above US patent. In the letter, the Petitions Examiner dismissed Applicant's Petition of October 24, 2011 for not including a Statement of Ownership under 37 CFR 3.73(b).

Applicant herein presents a Renewed Petition and provides a Statement of Ownership under 37 CFR 3.73(b) as requested. The representative of Otago Innovation Limited who signed both the Statement of Ownership and the original Petition is Mr. Garth Hendry. A true copy of the Statement is included herewith as Appendix 1. The Statement of Ownership is signed by a representative of patent owner and Applicant, Otago Innovation Limited, and includes USPTO form SB/96 and a Continuation Page to provide information relating to assignments that, when considered together, form a complete chain of title from the original inventors through to the patent owner and Applicant, Otago Innovation Limited.

Applicant also includes in Appendix 2, a true copy of the original Petition filed October 24, 2011, including Transmittal Form, Fee Transmittal, Power of Attorney, Petition to Accept Unintentionally Delayed Payment of Maintenance Fee, Facsimile Cover Sheet, Facsimile Cover Sheet indicating successful transmission, and Auto-Reply from the USPTO indicating receipt of the Petition

Page 1 of 4

OTAGO/1011US0/Renewed Petition to Accept Unintentionally Delayed Payment of Maintenance Fee. April 11, 2012.doc

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and associated documents.

Applicant's representative thanks the Petitions Examiner for treating the Petition as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. Applicant herein respectfully confirms that based on reasonable inquiry, the person who signed the original Petition had firsthand and direct knowledge of the facts and circumstances of the delay at issue.

The original Petition included a Power of Attorney from Applicant to the undersigned, which was granted in a Notice mailed November 14, 2011. Applicant therefore believes that the undersigned is authorized to submit this Renewed Petition. Please direct all papers and inquiries to Applicant's representative using the address/telephone/facsimile/email provided below.

Based on the combination of documents submitted herewith, Applicant believes that the Renewed Petition is in condition for grant, and respectfully requests the Petitions Examiner to grant the Renewed Petition and to reinstate U.S. Patent No. 6, 541,008.

Applicant notes that the Maintenance Fee of \$1,425.00 and Petition Fee were (total \$1,640.00) was deducted from Deposit Account No. 50-4089, and believes that no additional fee is due. However, if any fee is due, the Commissioner is authorized to deduct any required fee from Deposit Account No. 50-4089.

If the Petitions Examiner believes that a telephone conversation with the undersigned would assist in moving this process forward, such a telephone conversation is cordially invited.

Dated: April 11, 2012

Respectfully submitted,

 $\mathbf{R}_{\mathbf{V}}$

D. Benjamin Borson, Ph.D.

Reg. No. 42,349

Customer No. 66936 Borson Law Group, PC 1078 Carol Lane, #200 Lafayette, CA 94549 Tel: (925) 310-2060 Fax: (925) 310-2061

bborson@borsonlaw.com

Page 2 of 4

OTAGO/1011US0/Renewed Petition to Accept Unintentionally Delayed Payment of Maintenance Fee. April 11, 2012 doc

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APR 3 0 2012 OFFICE OF PETITIONS

.PTO/SB/96 (07-08)
Approved for use through 07/31/2012, OMB 0851-0031
U.S. Petent and Trademark Office; U.S. DEPARTMENT OF COMMERCE Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of Information unless it displays a valid OMB control number

	STATEMENT UNDER:	37 CFR 3.73(b)
Applicant/Patent Owner: Otago Innov	ation Limited	·
Application No./Patent No.: 09431888		Filed/Issue Date: 11/02/1999 / 04/01/2003
Titled:		
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Otago Innovation Limited	a corporatio	· uni
(Name of Assignee)		clange on compatible participate williamly be similar to
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(The extent (by percentage)	of its ownership interest is	%); or
3. the assignee of an undivided	interest in the entirety of (a com-	plete assignment from one of the joint Inventors was made)
the patent application/patent identified at		
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the United States Patent and	ntor(s) or the patent application/p Trademark Office at Reel	patent identified above. The assignment was recorded in, or for which a
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	tor(s), of the patent application/p	atent identified above, to the current assignee as follows:
	Mercer. Savory, Fleming	
	•	
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•	Frame <u>0560</u>	•
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The document was	recorded in the United States Pa	atent and Trademark Office at
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3 From: <u>Ludwig Institute</u>	for Cancer Research	To: Vegenics Limited
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•	chain of title are listed on a suppl	•
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As required by 37 CFR 3.73(b)(1) or concurrently is being, submitted	(i), the documentary evidence of for recordation pursuant to 37 C	the chain of title from the original owner to the assignee was.
[NOTE: A separate copy (i.e., a tr	ue copy of the original assignme	ant document(s)) must be submitted to Assignment Division in conds of the USPTO. See MPEP 302,08]
The undersigned (whose title is supplied		·
GP-11		
Signature		n April 2012.
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Printed or Typed Name		Intellectual Projectly Manager
7 10 100 01 17 POE 1101110		noe .

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1:14. This collection is estimated to take 12 minutes to complete, including gathering; preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 2313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450,

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35.U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

- The information on this form will be treated confidentially to the extent allowed under the
 Freedom of Information Act (5-U.S.C. 552) and the Privacy Act (5-U.S.C 552a). Records from
 this system of records may be disclosed to the Department of Justice to determine whether
 disclosure of these records is required by the Freedom of Information Act.
- A record from this system of records may be disclosed, as a routine-use, in the course of
 presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to
 opposing counsel in the course of settlement negotiations.
- A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
- 4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m):
- A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty
- World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.

 6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
- 7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
- 8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
- A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

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USPTO Form SB/0096 Statement Under 37 C.F.R. 3.73(b)

Continuation Page

4.	From:	Vegen	nics Limited	orded in the United	To:	Vegenics PTY Limited tent and Trademark Office at:
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6.	From:	Vegen	ics PTY Limi	ted and Univer	sity of C	itago .
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	Garth	S. He	ndry		Intel	lectual Property Manager
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Appendix 2

True Copy of Original Petition

Filed October 24, 2011

Page 4 of 4

OTAGO/1011US0/Renewed Petition to Accept Unintentionally Delayed Payment of Maintenance Fee. April 11, 2012.doc 04/24/2012 TUE 10:40 FAX 925 3102061 Borson Law Group

Doc Code: TRANLET

Document Description: Trans ... tal Letter

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APR 2 4 2012 PTO/SB/21 (07-09)
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number Application Number 09/431 888 TRANSMITTAL Filing Date RECEIVED November 2, 1999 First Named Inventor FORM Lvn M Wise Art Unit 1646 APR 3 0 2017 Examiner Name Janet L. Andres (to be used for all correspondence after initial filing) Attorney Docket Number OFFICE OF PETITIONS Total Number of Pages in This Submission OTAGO-01011US0 **ENCLOSURES** (Check all that apply) After Allowance Communication to TG Fee Transmittal Form Drawing(s) T Appeal Communication to Board Fee Attached Licensing-related Papers of Appeals and Interferences Appeal Communication to TC ഗ Amendment/Repty Petition (Appeal Notice, Brief, Reply Brief) Petition to Convert to a 7 After Final Proprietary Information Provisional Application Power of Attorney, Revocation Affidavits/declaration(s) Change of Correspondence Address Status Letter Other Enclosure(s) (please Identifx Terminal Disclaimer Extension of Time Request below): Petition to Accept Unintentionally Delayed Express Abandonment Request Request for Refund Payment of Maintenance Fee in Expired Patent CD, Number of CD(s) Information Disclosure Statement Landscape Table on CD Certified Copy of Priority Remarks Document(s) Reply to Missing Parts/ Incomplete Application Reply to Missing Parts under 37 CFR 1.52 or 1.53 SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT Firm Name Borson Law Group, PC Signature Printed name D. Benjamin Borson, Ph.D. Date October 24, 2011 Reg. No. 42,349 CERTIFICATE OF TRANSMISSION/MAILING I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below: Signature D. Benjamin Borson, Ph.D. Typed or printed name Date October 24, 2011

This collection of Information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the Individual case. Any comments on the reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA. 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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APR 2 4 2012

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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me (P.rint/Type) D. Benjamir	Borson, Ph.D.			<u>:</u>	Date Octobe		•

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiatily is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any some on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Parlent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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/ PATENT - POWER OF ATTORNEY	Patent Number	0,541,0		
OR	Issue Date	April 1,		
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WITH A NEW POWER OF ATTORNEY	Title	Vascula	ar Endothelial Growth	Factor 😂
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Inventor, having ownership of the patent. OR	•			
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Statement under 37 CFR 3.73(b) (Form PTO/SB/96) submitt				
a: .	ntor or Patent Owner			7
Signature Grant		Date	20 October 20	
		Telephone .	7 1174 - 216	
Name Garth S Hendry			+64 3 477 5748	
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This collection of information is required by 37 CFR 1.31, 1.32 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450, DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/66 (03-09)
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF	Docket Number (Optional)
MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378 (c))	OTAGO QLONELS (/FD
Mail to: Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandra, VA 22313-1450	APR 3 0 2012
Fax: (571) 273-8300	OFFICE OF PETITIONS
NOTE: If information or assistance is needed in completing this form, please contact Petition	s Information at (571) 272-3282.
Patent No. 6,541,008 Application Number 09/431	2012 AF
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CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the reissue patent number, if a reissue) and (2) the application number of the actual reissue application) leading to issuance of that patent to ensure the fee(s) is/are correct patent. 37 CFR 1.366(c) and (d).	I S application for
Also complete the following information, if applicable	£ .
The above – identified patent	
Is a reissue of original Patent No. original issu	e date
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resulted from the entry into the U.S. under 35 U.S.C. 371 of international ap	plication
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CERTIFICATE OF MAILING (37 CFR 1.89(a))	
I hereby certify that this paper (*along with any paper referred to as being attached or enclosed) is United States Postal Service on the date shown below with sufficient postage as first class main is Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or facults. Patent and Trademark Office on the date shown below.	
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Date Signature	
Typed or Printed Name of Person S	Signing Certificate

This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete; including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450,

04/24/2012 TUE 10:43 FAX 925 3102061 Borson Law Group CENTRAL FAX GENTER

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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8. STATEMENT	
The delay in payment of the maintenance fee to this patent was unintentional.	
9. PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCE PATENT REINSTATED	EPTED AND THE
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ENCLOSURES	
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Patent No. 6,541,008

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D. Benjamin Borson, Ph.D.

REFERENCE NO:

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